

B1 (Official Form 1) (12/11)

United States Bankruptcy Court Eastern District of New York		Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): Rover 2014 LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) /Complete EIN (if more than one, state all): 47-1803064	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) /Complete EIN (if more than one, state all):		
Street Address of Debtor (No. & Street, City, State & Zip Code): 1412 Broadway 18th Floor New York, NY	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): ZIPCODE 10018		
County of Residence or of the Principal Place of Business: New York	County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address)	Mailing Address of Joint Debtor (if different from street address):		
	ZIPCODE		
Location of Principal Assets of Business Debtor (if different from street address above):			
Type of Debtor (Form of Organization) (Check one box.)	Nature of Business (Check one box.)	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box.)	
<input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) Chapter 15 Debtor Country of debtor's center of main interests: Each country in which a foreign proceeding by, regarding, or against debtor is pending:	<input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other TAX-EXEMPT ENTITY (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	<input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 Nature of Debts (Check one box.) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box)	Chapter 11 Debtors		
<input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (<i>amount subject to adjustment on 4/01/13 and every three years thereafter</i>). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).		
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.			THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000			
Estimated Assets <input type="checkbox"/> \$0 to \$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001 to \$100,000,001 to \$1 billion <input type="checkbox"/> \$50,000 \$100,000 \$500,000 \$1 million \$10 million to \$50 million \$100 million to \$500 million to \$1 billion \$1 billion			
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,001 to \$100,001 to \$500,001 to \$1,000,001 to \$10,000,001 to \$100,000,001 to \$1 billion <input type="checkbox"/> \$50,000 \$100,000 \$500,000 \$1 million \$10 million to \$50 million \$100 million to \$500 million to \$1 billion \$1 billion			

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Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Rover 2014 LLC
All Prior Bankruptcy Case Filed Within Last 8 Years (If more than two, attach additional sheet)		
Location Where Filed: None	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)		
Name of Debtor: Commack Hospitality LLC	Case Number: 814-70931-ASY	Date Filed: March 10, 2014
District: Eastern District Of New York	Relationship: Contract Vendor	Judge: Alan S. Trust
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. § 342(b).
<input type="checkbox"/> Exhibit A is attached and made a part of this petition.		X _____ Signature of Attorney for Debtor(s) _____ Date _____
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No		
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition.		
If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.		
Information Regarding the Debtor - Venue (Check any applicable box.) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.		
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)		
(Name of landlord that obtained judgment) _____		
(Address of landlord) _____		
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).		

B1 (Official Form 1) (12/11)

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Rover 2014 LLC
Signatures		
Signature(s) of Debtor(s) (Individual/Joint) <p>I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Debtor X _____ Signature of Joint Debtor Telephone Number (If not represented by attorney) Date _____</p>		Signature of a Foreign Representative <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ Signature of Foreign Representative Printed Name of Foreign Representative Date _____</p>
Signature of Attorney* <p>X <u>/s/ Kevin J. Nash</u> Signature of Attorney for Debtor(s) Kevin J. Nash Goldberg, Weprin, Finkel, Goldstein, L.L.P. 1501 Broadway, 22nd Floor New York, NY 10036 (212) 221-5700 KNash@GWFGlaw.com</p> <p>January 15, 2015 Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</p>		Signature of Non-Attorney Petition Preparer <p>I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); and 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.</p> <p>Printed Name and title, if any, of Bankruptcy Petition Preparer Social Security Number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) Address _____ X _____ Signature Date _____ Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above. Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual: If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. <i>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.</i></p>

B6F (Official Form 6F) (12/07)

IN RE Rover 2014 LLC

Debtor(s)

Case No.

(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER. <i>(See Instructions Above.)</i>	CODEBTOR HUSBAND, WIFE, JOINT, OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. AEI Consultants 399 Camino Gardens Blvd Boca Raton, FL 33432						5,000.00
ACCOUNT NO. EMJ Construction Consultants 55 Jericho Turnpike Jericho, NY 11753						5,000.00
ACCOUNT NO. Riverside Abstract 3839 Flatlands Avenue Brooklyn, NY 11234						3,100.00
ACCOUNT NO. SWEE LLC 1370 Broadway New York, NY 10003						1,500,000.00
1 continuation sheets attached			Subtotal (Total of this page)			\$ 1,513,100.00
			Total (Use only on last page of the completed Schedule F. Report also on the Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)			\$

IN RE Rover 2014 LLC

Case No.

(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS
(Continuation Sheet)

Sheet no. 1 of 1 continuation sheets attached to
Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal
(Total of this page)

\$ 228,000.00

Total

Total

(Use only on last page of the completed Schedule F. Report also on the Summary of Schedules, and if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

\$ 1,741,100.00

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x
In re:

Chapter 11

Rover 2014, LLC,

Case No.

Debtor.

-----x
**DEBTOR'S DECLARATION
PURSUANT TO LOCAL BANKRUPTCY RULE 1007-2**

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

Mark Tress declares the following under penalties of perjury pursuant to 28 U.S.C. § 1746:

1. I am the manager of Rover 2014, LLC (the "Debtor"). I submit this Declaration in accordance with Local Bankruptcy Rule 1007-2 in support of the Debtor's filing of a voluntary petition under Chapter 11 of Title 11 of the United States Code.

2. The Debtor is a contract vendee under contract to purchase certain real property located at 801 Crooked Hill Road, Brentwood, New York (the "Property"). The acquisition of the Property emanates out of the Chapter 11 bankruptcy proceeding involving Commack Hospitality LLC ("Commack"), as seller, (Case No. 814-70931-ast).

3. The sale of the Property was approved in conjunction with the confirmation of Commack's Second Amended Chapter 11 Plan of Reorganization, filed June 16, 2014, pursuant to Order of Confirmation dated November 14, 2014.

4. The purchase price of the Property is \$15,400,000, and the Debtor is subject to a "time of the essence" closing for January 15, 2015.

5. The Debtor is compelled to seek Chapter 11 relief because Commack has rejected the Debtor's request for a relatively short extension of time of the closing date beyond January 15, 2015.

6. While the contract with Commack does not include a financing contingency, it was widely known that the majority of the purchase price would be obtained through mortgage financing. To this effect, the contract contains a provision that the Debtor shall assign the existing mortgage to its new lender.

7. Originally, the Debtor pursued financing through Investors Bank ("Investors"). The Debtor made application to Investors to finance the loan, but Investors declined the loan in mid-December, 2014 because the Property did not fit its conventional lending profile of making loans for residential properties.

8. Working with a well-known mortgage broker, Meridian Capital Group, LLC, the Debtor is now pursuing financing from Sterling National Bank ("Sterling"). To date, Sterling has been receptive to the Debtor's application and yesterday approved a term sheet for the financing which contains standard conditions.

9. The Debtor anticipates that it will ultimately qualify for a formal commitment to borrow \$11,400,000 so that it is in a position to close on the transaction in the next 30-45 days.

10. Over the last several days, the parties were unable to agree on the Debtor's request for a voluntary extension through March 1, 2015. Without getting into specifics, which were in the nature of settlement negotiations, it suffices to say that the Debtor offered an immediate release of a substantial part of the deposit and to pay Commack a significant per diem charge during the extension period.

11. Because the Debtor is committed to closing, does not want to forfeit its \$1.5 million deposit, and is reasonably confident it will obtain financing from Sterling Bank, the Debtor is filing this Chapter 11 petition to gain the benefit of the 60-day toll under 11 U.S.C. Section 108(b) to automatically extend the time of the essence closing date.

12. It is truly unfortunate that Commack has been so headstrong in refusing to grant an extension, which does not serve its own bankruptcy estate well. This Chapter 11 petition is being filed as related to the Commack Chapter 11 case in the hope that after further reflection, a more sensible approach will be taken concerning the extension.

13. The Debtor's Chapter 11 will complicate its financing application with Sterling, but it has no practical alternative at this point.

14. The Chapter 11 filing constitutes a proper use of the Bankruptcy Code. See, In re Walden Ridge Development LLC, 292 B.R. 58 (Bankr. NJ 2003); In re New Breed Realty Enterprises, Inc., 278 B.R. 314 (Bankr. EDNY 2002); and In re Empire Equities Capital Corp., 405 B.R. 687 (Bankr. SDNY 2009), which recognize that it is not bad faith to utilize Chapter 11 to invoke the sixty (60) day extension under 11 U.S.C. §108(b).

15. The decisions cited, particularly In re Walden Ridge, *supra*, also recognize the practical reality of today's real estate market in which would-be purchasers of real property routinely organize a single purpose entity to take title and close transactions.

16. The Debtor has no active employees and is operated by Mark Tress as manager and Stephen Werdiger as its member.

Dated: New York, NY
January 15, 2015

/s/ Mark Tress, Manager

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

-----X
Chapter 11

Rover 2014, LLC

Case No.

Debtor.

-----X

LIMITED LIABILITY COMPANY RESOLUTION

At a special meeting of the members of Rover 2014 LLC (the "Company") held on January 14, 2015 and after motion duly made, seconded and unanimously carried, it was:

RESOLVED, that Mark Tress as manager, is authorized to execute a bankruptcy petition under Chapter 11 of the United States Bankruptcy Code on behalf of the Company and to cause the filing thereof on behalf of the Company; and it is further

RESOLVED, that the Company is authorized to retain the law firm of GOLDBERG WEPRIN FINKEL GOLDSTEIN LLP, as bankruptcy counsel for the purpose of filing the Chapter 11 petition on its behalf.

Dated: New York, New York

January 15, 2015

Rover 2014, LLC

By: /s/ Mark Tress, Manager

P

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

-----X
Chapter 11

Rover 2014, LLC

Case No.

Debtor.

-----X

SCHEDULE OF EXECUTORY CONTRACTS

1. Purchase and Sale Agreement made as of October ____, 2014, by and between Commack Hospitality, LLC, a New York limited liability company, as Seller and Rover 2014 LLC, a Delaware limited liability company as Purchaser, relating to certain real property located at 801 Crooked Hill Road, Brentwood, New York.

Dated: New York, New York
January 15, 2015

ROVER 2014 LLC

By: /s/ Mark Tress
Name: Mark Tress
Title: Manager

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

-----X
Chapter 11

Rover 2014, LLC

Case No.

Debtor.

-----X

RULE 7.1 CORPORATE OWNERSHIP STATEMENT

Pursuant to Federal Rule of Civil Procedure 7.1, Rover 2014 LLC (the "Debtor"), certifies that it is a private non-governmental party, and has no corporate parent, affiliates and/or subsidiaries which are publicly held.

Dated: New York, New York
January 15, 2015

Rover 2014, LLC

By: /s/ Mark Tress
Name: Mark Tress
Title: Manager